

Murphy Unveils Legislation to Increase Transparency and Accountability at Supreme Court

Today, Congressman Chris Murphy (CT-5) unveiled legislation that would bring greater transparency and accountability to the nation's highest court. In recent months, ethics and conflict of interest questions have been raised about Justices Antonin Scalia and Clarence Thomas around a decision known as Citizens United, and the justices' involvement with a politically active family -- the Kochs -- that benefitted from that decision.

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WASHINGTON, D.C. - Today, Congressman Chris Murphy (CT-5) unveiled legislation that would bring greater transparency and accountability to the nation's highest court. In recent months, ethics and conflict of interest questions have been raised about Justices Antonin Scalia and Clarence Thomas around a decision known as Citizens United, and the justices' involvement with a politically active family -- the Kochs -- that benefitted from that decision.

Murphy's bill would mandate that the Supreme Court justices be held to the same ethical standards as other federal judges, shine more sunlight on the activities of the justices and establish a review process of a justice's decision to refuse a recusal motion.

"The public's trust in the Supreme Court has been damaged because of the political activities of some of the justices. Americans deserve to know that this increasingly activist court is blind to outside influence. This bill aims to restore that trust by making the Supreme Court more accountable and transparent," said Murphy.

The landmark 5-4 Citizens United decision overturned restrictions on corporate funding in elections that were in place since 1947, and its impact was quickly felt across the nation. The floodgates of corporate spending immediately opened, and shadowy independent groups that did not have to disclose their funding sources spent millions in the months leading up to the election. According to the Center for Responsive Politics, spending by outside groups jumped 330 percent to nearly \$300 million when compared to 2006.

These groups had innocent sounding names such as 60 Plus or the American Action Network, but were largely funded by corporate interests. Two of the main benefactors of these groups were Charles and David Koch, billionaire brothers who operate a Kansas-based energy company. The Koch Industries PAC spent \$2.6 million in the 2010 election cycle, and individuals associated with Koch Industries and its affiliates contributed another \$1.8 million. In addition to funding outside groups, the Koch brothers organized a number of conservative retreats and conferences to discuss their radical views and plot strategies to benefit their interests, which Thomas and Scalia attended in the past.

Murphy's bill would:

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Apply the Judicial Conference's Code of Conduct, which applies to all other federal judges, to Supreme Court justices. This would allow the public to access more timely and detailed information when an outside group wants to have a justice participate in a conference, such as the funder's of the conference. Recognizing the separation of the legislative and judicial branches, Murphy's bill would also require the Judicial Conference to establish the enforcement mechanisms of the Code of Conduct for Supreme Court justices;

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Require Supreme Court justices to publicly disclose their reasoning behind a recusal when they withdraw from a case and when they refuse to recuse themselves after a motion is made for them to do so;

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Require the Judicial Conference to develop a process to review decisions by justices who have refused to step aside from a case.

Murphy was joined by Congressman Anthony Weiner (NY-9), Common Cause Program Vice President Arn Pearson and the Alliance for Justice President Nan Aron.

"Just because it is the highest court in the land doesn't mean the Supreme Court is above the need for transparency or beyond sometimes having the appearance of conflict," Rep. Anthony Weiner said. "This bill begins to address these concerns."

"The American people deserve to have confidence that the Supreme Court will give a fair and impartial hearing to the most important issues of the day, and that its decisions are based on law, not politics," said Arn Pearson, vice president of program for Common Cause. "It's time to hold Supreme Court justices accountable to the same ethics and disclosure rules as every other federal judge. The highest Court should not be held to the lowest standards."

"In this era of political polarization, public confidence in the integrity of the Supreme Court must be protected. All other federal judges are subject to a mandatory Code of Conduct, and the same rules should apply to the Supreme Court. It's also time for the recusal process to be transparent and justices should not be allowed to act without any chance of review. Congress needs to step in and ensure we have only the highest ethical standards for our highest court," said Nan Aron, President, Alliance for Justice.

The Alliance for Justice recently released a letter to the Senate and House judiciary committees signed by 107 ethics professors from 76 law schools around the country calling for common-sense reforms of the ethical rules governing the Supreme Court.

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